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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARIBEL VASQUEZ and JOSEPH RIOS,)	Case No.
)	
Plaintiffs,)	NOTICE AND PETITION REMOVING
)	CIVIL ACTION FROM STATE COURT
v.)	
)	
KAWEAH HEALTH MEDICAL CENTER;)	
EVA HIRWE, M.D.; SHAMIKA BANKS,)	
M.D.; and DOES 1 to 250, inclusive,)	
)	
Defendants.)	

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

The United States hereby removes the above-captioned action from the Tulare County Superior Court to this Court. The grounds for removal are as follows:

1. Removal is specifically authorized by the Federally Supported Health Centers Assistance Act (FSHCAA), 42 U.S.C. § 233(c), because the Complaint seeks damages for personal injury resulting from the performance of medical functions by a deemed employee of the Public Health Service acting in the scope of such employment. At the time of the events alleged in the Complaint, defendant Eva Hirwe, M.D., was a “deemed employee” of the Public Health Service under the FSHCAA and was acting in the scope of such employment at Family HealthCare Network, a federally supported health center, with respect to the claims of medical malpractice. A formal certification of her “deemed” employment and scope of employment is filed herewith as Attachment 1. The FSHCAA provides that upon such certification, “any such civil action or proceeding commenced in a State court shall be

1 removed without bond at any time before trial ... and the proceeding deemed a tort action brought
2 against the United States” 42 U.S.C. § 233(c).

3 2. A copy of all process, pleadings and orders received by the United States is included
4 herewith as Attachment 2.

5 WHEREFORE, this action is hereby properly removed to this Court.

6 Respectfully submitted,

7 Dated: November 28, 2023

PHILLIP A. TALBERT
UNITED STATES ATTORNEY

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9 /s/Jeffrey J. Lodge
10 JEFFREY J. LODGE
11 Assistant United States Attorney
12 Attorney for the United States
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